

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDY PITTMAN,

Defendant.

Case No. CR09-5349 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for Recusal [Dkt.#16]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Title 28 U.S.C. § 455(a) provides that "[a]ny justice, judge or magistrate shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." A judge's rulings and expressions of opinion, rarely create a valid basis for recusal under §455(a). Liteky v. United States, 510 U.S. 540 (1994). "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings . . . do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." Id. at 555.

This Court's comments at the re-sentencing of one of Ms. Pittman's co-defendants in her original case (CR04-5350RBL) do not rise to the level required for reversal. The Court's comments came over

1 three weeks after the Court had taken Ms. Pittman's guilty plea in this case, and derived wholly from  
2 "facts introduced or events occurring" Id., in both of Ms. Pittman's cases now pending before the Court.  
3 The Court's comments merely demonstrate an "attitude of disapproval toward certain persons because of  
4 their known conduct," United States v. Conforte, 624 F.2d 869, 881 (9<sup>th</sup> Cir. 1980), and do not "display a  
5 deep-seated . . . antagonism that would make fair judgment impossible." Liteky, 510 U.S. at 555. It is  
6 therefore

7 ORDERED that Defendant's Motion for Recusal [Dkt. #16] is DENIED.

8 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party  
9 appearing pro se.

10 IT IS SO ORDERED this 1st day of October, 2009

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE